

## TENTATIVE MAP

<b>FILE NO.</b>	<b>T21-004</b>
<b>LOCATION OF PROPERTY</b>	<b>South side of West Tasman Drive, between Rio Robles West and North First Street (10 &amp; 80 West Tasman Drive).</b>
<b>ZONING DISTRICT</b>	<b>Industrial Park Zoning District</b>
<b>PURPOSE OF MAP</b>	<b>Tentative Map to allow the subdivision of one lot into two lots on an approximately 8.5-gross acre site.</b>
<b>TITLE OF MAP</b>	<b>Tentative Map For 10 and 80 West Tasman Drive for SB 125 Rio Robles LLC</b>
<b>DRAWN BY</b>	<b>Kier &amp; Wright Civil Engineers &amp; Surveyors Jimmy Vigil 2850 Collier Canyon Road Livermore, CA 94551</b>
<b>DATE OF MAP</b>	<b>June 2, 2021</b>
<b>ENVIRONMENTAL STATUS</b>	<b>Exempt per CEQA Guidelines Section 15315 for Minor Land Divisions</b>
<b>OWNER/ADDRESS</b>	<b>SB 125 Rio Robles LLC 640 West California Avenue, Suite 210 Sunnyvale, CA 94086</b>

## FACTS AND FINDINGS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this proposed project:

1. **Site Description and Surrounding Uses.** The subject site approximately 8.5-gross acre site is currently developed with two office buildings. The site is located on the south side of West Tasman Drive, between Rio Robles West and North First Street.
2. **Project Description.** This is a Tentative Map to allow the subdivision of one lot into two lots on an approximately 8.5-gross acre site.
3. **General Plan Conformance.** The Envision San José 2040 General Plan Land Use/Transportation Diagram designation for the subject site is Industrial Park. This designation is intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and offices. The subdivision would result in each lot having an office, research and development building. The subdivision would result in two lots with uses consistent with the Industrial Park land use designation.

4. **Zoning Ordinance Conformance.** The site is located in the Industrial Park Zoning District. The Industrial Park zoning designation is an exclusive designation for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and offices. The subject Tentative Map is consistent with the zoning district in that the subdivision conforms to the Development Standards of the Industrial Park Zoning District. The minimum lot size required is 10,000 square feet. The tentative map would create two lots, Parcel A and Parcel B, approximately 4.3 and 4.1 acres, respectively. The setback requirements for the front are 15 feet for building, 25 feet for parking and circulation, the side and rear setbacks required are zero feet. The subdivision would not change the existing front setbacks for the site. The buildings are consistent with the setback requirements. The building in Parcel A is approximately 105,043 square feet. Office, research and development requires one parking space per 300 square feet of floor area. Therefore, 298 parking spaces are required. Two Special Use Permits (File Nos. SP18-026 and SP18-027) were previously approved for a 20% parking reduction on both proposed lots and for 73 off-site parking spaces, respectively. Therefore, the building in Parcel A would require 238 parking spaces with the 20% parking reduction. The parcel would provide 236 parking spaces and utilize two parking spaces off-site. The building in Parcel B is approximately 105,039 square feet. For the office, research and development use 298 parking spaces are required, and with the 20% parking reduction, 238 parking spaces are required. The project would provide 220 parking spaces on-site and would utilize 18 off-site parking spaces. Therefore, the project would meet the parking requirements.
5. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
- Under the provisions of Sections 15315, Minor Land Divisions, of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.
6. **Subdivision Map Act Findings.** In accordance with Section 66474 of the Government Code of the State of California, the Director of Planning of the City of San José, in consideration of the proposed subdivision shown on the Tentative Map with the imposed conditions, shall deny approval of a Tentative Map, if it makes any of the following findings:
- a. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451.
  - b. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.
  - c. That the site is not physically suitable for the type of development.
  - d. That the site is not physically suitable for the proposed density of development.
  - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
  - f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

*Analysis: Based on review of the proposed subdivision, the Director of Planning of the City of San José does not make any such findings to deny the subject subdivision. The subdivision of the lot into two lots is consistent with the General Plan goals, policies, and land use designation. The subject site is physically suitable to accommodate the two existing buildings. Furthermore, the project site does not contain any historic resources or sensitive habitats or wildlife. The proposed subdivision and subsequent improvements are not likely to cause serious public health problems. The design of the subdivision would not restrict access to the site. Each parcel would have two front property lines and driveways from two streets.*

7. **Subdivision Ordinance Findings.** In accordance with San José Municipal Code (SJMC) Section 19.12.130, the Director may approve the Tentative Map if the Director cannot make any of the findings for denial in Government Code section 66474 and the Director has reviewed and considered the information relating to compliance of the project with the California Environmental Quality Act and determines the environmental review to be adequate. Additionally, the Director may approve the project if the Director does not make any of the findings for denial in San Jose Municipal Code Section 19.12.220.

Section 19.12.130 incorporates the findings for denial in Section 66474 of the Government Code specified in Findings Section 1 herein.

*Analysis: Based on review of the proposed subdivision, the Director of Planning of the City of San José does not make any such findings to deny the subject subdivision.*

In accordance with the findings set forth above, a Tentative Map for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Tentative Map except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

#### **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Acceptance of Tentative Map.** Per Section 19.12.230, should the Subdivider fail to file a timely and valid appeal of this Vesting Tentative Map within the applicable appeal period, such inaction by the Subdivider shall be deemed to constitute all of the following on behalf of the Subdivider:
  - a. Acceptance of the Tentative Map by the Subdivider; and
  - b. Agreement by the Subdivider to be bound by, to comply with, and to do all things required of or by the Subdivider pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 19 applicable to such Tentative Map.
2. **Conformance to Plans.** Development of the site shall conform to the approved Tentative Map No. T21-004 plans entitled "Tentative Map for 10 and 80 West Tasman Drive for SB 125 Rio Robles LLC" dated stamped June 2, 2021, on file with the Department of Planning,

Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04), with the exception of any subsequently approved changes.

3. **Expiration of Map.** This Vesting Tentative Map shall automatically expire 30 months from and after the date of issuance hereof by the Director of Planning of the City of San Jose. The date of issuance is the date this Vesting Tentative Map is approved by the Director of Planning.
4. **Compliance with Subdivision Ordinance.** The final map shall comply with all of the requirements for final maps in Chapter 19.16 of the San José Municipal Code and shall show and contain all of the data required by San José Municipal Code Section 19.16.110.
5. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
6. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
7. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager makes a determination that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.
8. **Improvements.** Pursuant to the Subdivision Agreement (hereinafter referred to as "Agreement"), the Subdivider shall, before approval and recording of the Final Map, improve or agree to improve all land within the subdivision and all land outside, but appurtenant to, the Subdivision shown on the Tentative Map for public or private streets, alleys, pedestrian ways and easements to the satisfaction of the Director of Public Works.
9. **Improvement Contract.** In the event the subdivider has not completed the improvements required for the proposed subdivision at the time the final map is presented for approval, Subdivider shall enter into an improvement contract pursuant to Agreement with the City of San José, in accordance with Section 19.32.130 of the San José Municipal Code, and shall provide the bonds and insurance mentioned therein.
10. **Public Use Easements.** The Subdivider shall dedicate on the final map for public use easements for public utilities, streets, pedestrian ways, sanitary sewers, drainage, flood control

channels, water systems and slope easements in and upon all areas within the subdivision shown on the Tentative Map for the subdivision to be devoted to such purposes.

11. **Conveyance of Easements.** Prior to recordation of the Final Map, the shall offer to the City of San José a Covenant of Easement for joint use and emergency access purposes, in accordance with Part 1 of Chapter 20.110 of Title 20 of the San José Municipal Code, across lots A and B, as shown on the Approved Plan Set. Said easements shall be binding upon, and all benefits shall insure to, all successors in interest to the affected real property.
12. **Distribution Facilities.** The Subdivider shall, at no cost to the City, cause all new or replacement electricity distribution facilities (up to 40KV), telephone, community cable, and other distribution facilities located on the subject property to be placed underground.
13. **Multiple Final Maps.** Multiple Final Maps may be filed for this subdivision if each and all of the following conditions are met with each Final Map:
  - a. All fees associated with development and a part of this approval shall be apportioned and paid for each portion of this subdivision for which a Final Map is being filed, including but not limited to Parkland Dedication, undergrounding of utilities, drainage, area and sewer treatment plan.
  - b. All public streets on which each Final Map has frontage shall be improved or bonded to be improved to the satisfaction of the Director of Public Works.
  - c. All grading, drainage, and easements for drainage, adequate to protect each lot for which a Final Map is requested, and surrounding parcels which could be impacted by such design or lack of design, shall be guaranteed to the satisfaction of the Director of Public Works.
  - d. Any and all off-site improvements necessary for mitigation of impacts brought about by this project shall be apportioned to the degree possible to guarantee adequate mitigation for each area for which a Final Map is being filed, to the satisfaction of the Director of Public Works.
14. **Revocation.** This Tentative Map is subject to revocation for violation of any of its provisions or conditions.

**APPROVED** and issued this on the **14<sup>th</sup> day of July, 2021.**

Chris Burton, Director  
Planning, Building and Code Enforcement

Deputy